

CITY COUNCIL MEETING

Tuesday, August 29, 2017 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gygi, Presiding
Councilmembers: Denise Andersen, Ben Bailey, Mike Geddes, Jenney Rees, Daniel Zappala
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
David Shaw, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Gregg Ludlow, Keith Irwin, Craig Clement, Ben Ellsworth

1. Call to Order

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:03 p.m. by Mayor Gygi. The Pledge of Allegiance was led by C. Rees, and the invocation was given by Mayor Gygi.

2. Approval of Meeting’s Agenda.

MOTION: C. Rees—To move item numbers 11 & 9 before item number 8. Seconded by C. Geddes.

Yes - C. Andersen
C. Bailey
C. Geddes
C. Rees
C. Zappala Motion passes.

3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments. (Comments limited to three minutes per person with a total of 30 minutes for this item).

There were no public comments.

CONSENT AGENDA

4. Minutes from the July 18, 2017 Work Session and City Council Meeting, and the August 1, 2017 City Council Meeting

Mayor Gygi noted the following corrections:

- July 18, 2017
 - Item C: “...Cedar Hills ~~would~~ may be discussed...”
- August 1, 2017

- Item #9: "...Mayor Gygi ~~opined~~ said/suggested..."

5. Appointment of Charl Louw to the Beautification, Recreation, Parks and Trails Citizens Advisory Committee

MOTION: C. Zappala—To approve the consent agenda with the stated changes. Seconded by C. Andersen.

Yes - C. Andersen
C. Bailey
C. Geddes
C. Rees
C. Zappala Motion passes.

CITY REPORTS AND BUSINESS

6. City Manager

Chandler Goodwin, City Manager, reported on the following:

- Soccer and Tot Soccer programs started last week.
- Flag football registration has been closed. The year's registration was successful, and Mr. Goodwin expressed appreciation to Highland City for allowing the City to use the field north of Lone Peak.
- New "Mommy and Me Music Maker Class" will be starting soon and will be for kids who are not in school yet. The program will be free and information will be posted to the City's website as it becomes available.
- Karate classes will start in fall.
- There were over 500 attendees at the City Breakfast last week. Mr. Goodwin thanked Boyd Wilkins and the Beautification, Recreation, Parks and Trails Committee for organizing the event.
- The Harvey land purchase has been finalized and was recorded on Friday.
- The Utah League of Cities and Towns will be holding their conference next month from September 13-15.

7. Mayor and Council

Mayor Gygi reported that the State Auditor's Office conducted an audit of the Lone Peak Public Safety District (LPPSD), and KSL would be releasing a story on the matter. Mayor Gygi said more context was needed to be given on the matter. He explained that a while back there was a former employee who had made several allegations against LPPSD. In light of those allegations, Mayor Gygi requested that the Board contact the State Auditor's Office to verify whether or not those allegations held any ground. Furthermore, the City also conducted its own internal audit, the results of which did not substantiate any of the allegations. Mayor Gygi said the State's Audit also found that there were not financial misdeeds or any criminal activities that were taking place at LPPSD. However, the audit report did provide suggestions of areas where improvements could be made, namely in regards to credit card purchases.

Mayor Gygi explained that staff at LPPSD was presently shorthanded due to an employee being on leave. Therefore, the Police Chief was also acting as the interim Fire Chief while they searched for a replacement. The interim chief had recommended rotations between Alpine and Cedar Hills, while keeping Highland open at all times. Once the staffing issue is resolved everything will return to normal.

Mayor Gygi reported that the NPO group that he chairs for Mountainland Association of Governments (MAG) requested a legal opinion on whether or not the County had the right to veto projects that were approved by the NPO. The NPO believed they had that right, but MAG believed the opposite to be true. A legal opinion on the matter was still pending.

C. Geddes said he read the audit report of which the Mayor spoke, and from what he read the results were standard. He did not see any issues in the report.

C. Bailey reported that the burn season will be during the month of October. Residents who are interested need to go to the Fire Department's website and fill out a burn permit, which is free.

SCHEDULED ITEMS

11. Discussion on Solicitation

Keith Irwin, 8881 North Pine Hollow, noted that he and his wife were retired and they were involved in a number of civic activities that caused them to travel a lot. It was concerning to them to return home after traveling for a period of time to find solicitations and advertisements hanging on their doorknob and scattered about the porch. There is a solicitation ordinance in place in the City, but it primarily addresses face to face contact with residents. The ordinance doesn't mention materials left on one's property. He mentioned they had a "no soliciting" sign posted on their porch, and suggested adding language to the nuisance code that would preclude leaving flyers or other advertisements at their home.

C. Bailey said he understood Mr. Irwin's point of view and agreed that it would be aggravating to come home to a pile up of flyers on one's porch. He asked how many solicitors had formally gained permission to distribute materials. He wasn't sure that changing the ordinance would make any difference in addressing this concern.

Mr. Goodwin mentioned that presently there was no penalty in place for violations to the nuisance code. He said he looked at multiple other codes and each city had a section of code that related to business licensing as well as house solicitors. He remarked that generally, each of these codes was synonymous with one another. Presently Cedar Hills City Code was on par with other cities. In researching this issue he had looked at codes for St. George, Pleasant Grove, Draper, Clearfield, Price, Farmington, Highland, Lehi and American Fork.

Mr. Goodwin expressed several concerns, including First Amendment rights and how City Code applied to non-profit organizations. Mr. Goodwin recommended that property owners ask neighbors to oversee the solicitous materials left on their properties anytime they are out of town for a prolonged period of time. He suggested adding the following language to the ordinance as a condition for solicitors: "*Solicitors may not leave materials at homes when owner is not*

present...” However, Mr. Goodwin said he did not think this change would capture all unwanted materials.

C. Bailey asked if there was any way the City could offer a service in which City personnel would pick up solicitous materials on private property. Mr. Goodwin said he didn’t know how staff would oversee such a program. C. Andersen said this type of service seemed like something a neighbor would do. C. Bailey said he doubted very many people would use that type service, if it was offered. There was continued deliberation on the matter.

C. Andersen mentioned Eagle Scout projects and said that while she does want to receive solicitations from Eagle Scouts and other nonprofit causes, she does not want business solicitations. The problem with changing the language of the ordinance was that it would inadvertently rule out good causes while at the same time prohibiting business solicitations.

Mr. Goodwin mentioned a call that recently came in regarding some solicitation that was taking place in a neighborhood. In this instance, the solicitors turned out to be some neighborhood girls trying to raise donations for natural disaster victims; therefore, the City didn’t pursue the matter because it was outside the scope of what the ordinance was trying to accomplish.

David Shaw, Legal Counsel, stated that this debate was not new. He explained that the issue dated back to a case that took place in Green River, Wyoming, in 1932. The city of Green River had enacted a “no solicitation” ordinance and the city got sued by the Fuller Brush Company. The ordinance was upheld and the city was able to prohibit door to door solicitations. There were attempts at trying to define what is/isn’t solicitation. Mr. Shaw said that in addressing nonprofit causes, most cities encouraged the posting of “no commercial soliciting” signs on doors as a way of controlling what types of solicitors approached residents on private property. He explained that other municipal ordinances prohibited the distribution of handouts/leaflets; however, enforcement was problematic. He noted that if the City were to follow up on a flyer they would contact the company that sent the solicitor and not the individual person themselves.

Mr. Goodwin added that the City would only follow up on a solicitor if a complaint was submitted to the City. In this case, the City would notify the company of the complaint (i.e., aggressive sales person, operating without a license, etc).

C. Bailey stated that with a campaign coming up there will also be candidates out canvassing neighborhoods.

Mr. Goodwin asked the Council how they wanted to proceed on this matter.

C. Rees said she liked the suggestions that were previously made by Mr. Irwin and Mr. Goodwin. C. Zappala agreed and said he liked the idea of signs stating “no commercial soliciting” versus “no soliciting” signs on private property. He felt this would communicate the type of solicitation that a resident did or did not want.

C. Rees questioned whether or not scouting and other nonprofit groups fell under solicitation laws. Mr. Shaw said this was up to Council to define. C. Geddes stated that since there was no

penalty it would be hard to enforce. C. Zappala said there was nothing preventing a resident from putting a custom sign up on their property.

In response to a question from C. Bailey, Mr. Goodwin stated that staff would only be able to enforce the ordinance with cooperation from the resident. If a resident brings in a flyer and requests that the City follow up with that company, staff will refer to the contact information submitted with the business license application. If the business is in violation of their license requirements then the City could revoke the license.

Mayor Gygi stated that he disagreed with Mr. Irwin on this matter. He explained that anytime the Council creates legislation they need to consider whether or not the action is legal, constitutional, within the City's purview and whether or not the action makes sense. In this case, Mayor Gygi said he wasn't sure the proposed action made sense based on whether or not it would be effective. He felt Mr. Irwin's best solution would be to have a neighbor collect unwanted materials from his property during his absence.

C. Geddes and C. Andersen agreed with Mayor Gygi. C. Andersen stated that she didn't want to over-regulate. C. Bailey agreed with C. Rees and C. Zappala that some sort of language could be added to the ordinance to help mitigate the issue. C. Zappala said that the advantage of having some language in the code was that it would at least set an expectation.

Mr. Shaw asked Mr. Goodwin if City Code required solicitors to obtain licensing, to which Mr. Goodwin responded in the affirmative. Furthermore, solicitors are required to get background checks and carry badges issued from the City showing that they are permitted to solicit within City boundaries. Any resident can request to see a solicitor's badge; if the solicitor cannot provide said badge, then the resident can call the City or police.

Jeff Maag made the suggestion that residents install boxes on porches, with signs advising solicitors to place all notices/flyers in the box provided.

9. Discussion on Canyon Road

Peter Henderson, 3894 West 9850 North, indicated that he was representing both himself and Scott Ceraso. Mr. Henderson explained that he and Mr. Ceraso were not completely on the same page in regards to Canyon Road. Mr. Ceraso was in the process of gathering support in favor of certain improvements to take place on Canyon Road, whereas Mr. Henderson was indifferent as to what happened with Canyon Road. Mr. Henderson explained that he had moved to his current location because he wanted to avoid issues such as eminent domain. He said he had taken it upon himself to address the safety and flooding issues on his own. While Canyon Road could benefit from improvements, he did not want to pay the costs associated with those projects.

Mayor Gygi mentioned that he had stated his position to Mr. Ceraso many times, in that he supported making additional improvements to Canyon Road.

Mr. Goodwin reviewed the staff report on this item. He said that one question that has come forward on this item was whether or not there was an equitable distribution of the money from

the State and MAG to both Cedar Hills and Pleasant Grove for improvements on Canyon Road. Mr. Goodwin said he did not expect a 50/50 distribution, rather, equitability would be determined by the length of road in each City. He presented some drawings of the proposed Canyon Road improvements to suggest that the distribution of the funding was not equitable. The map showed current and proposed road configurations. The map also showed where curb, gutter and sidewalk improvements would go in. Mr. Goodwin said while there were some items that did benefit the City, he felt that the majority of funding was being spent south of the canal.

C. Zappala agreed with Mr. Goodwin and added that residents were concerned by the same issues. Furthermore, a lot of residents had expressed that they did not want a center lane all the way down the road, particularly for the portion of 2600 North going up to Cedar Hills Drive. Reason being, speed was already a problem on Canyon Road and any widening that would take place would only make the matter worse. He said residents preferred the road to remain narrow and then have turn lanes in areas where they were appropriate. They would like the County to lower speed limits, thereby increasing safety without having to do any widening. They would also like crosswalks and sidewalks so that the road is more walkable.

Mr. Goodwin said there were a couple of sections of the road where a turn lane was needed. C. Zappala said residents were okay with turn lanes in certain areas. Mr. Goodwin said the road was especially problematic in the winter time and widening would help increase safety. He added that the four foot shoulder on each side would provide more space for cyclists. C. Zappala stated that in the future they needed to pay attention to speed; Mr. Goodwin agreed.

C. Bailey asked if the citizen group was comprised of residents from both Cedar Hills and Pleasant Grove. C. Rees said they held a meeting last week and there were about 45 people there. She said she believed there were residents from both cities present. C. Bailey said his only concern was that of having Pleasant Grove pay for its portion. Mr. Goodwin said Pleasant Grove was committing a large amount of money to the project for curb and gutter improvements as well as a water line.

Mayor Gygi said in speaking with Pleasant Grove's Mayor, Mike Daniels, Mayor Daniels had indicated that Pleasant Grove was more than willing to work with Cedar Hills regarding Canyon Road projects. Moving forward, they will determine an equitable way to maintain the road.

Mr. Maag said he met with the County and engineers last week regarding this issue, and they agreed to make some changes to sections of Canyon Road within Cedar Hills. He outlined the largest project costs and explained that the intention with road widening was to accommodate the input given from cyclists.

Note: C. Zappala left the meeting at 7:47 p.m.

C. Andersen asked when construction will begin. Mr. Maag said it was supposed to start this fall but they were running behind schedule.

8. Discussion on Subsidizing the Bookmobile

Mr. Goodwin explained that Utah County notified municipalities that they would no longer be funding the Bookmobile going forward. Should cities want to have the Bookmobile stop in their jurisdiction, they would need to pay a fee to the County based on the number and duration of stops desired. The following information was provided by the County:

Total Bookmobile checkouts in Cedar Hills: 5,277
Total Active Cardholders in Cedar Hills: 141

Cost to continue Bookmobile (two stops per month)

1.0 hours per stop = \$2,808
1.5 hours per stop = \$4,212
2.0 hours per stop = \$5,616
2.5 hours per stop = \$7,020
3.0 hours per stop = \$8,424

Cedar Hills Library Expenses

Year	Expenditures	Budget
2012	\$13,315	\$14,000
2013	\$14,103	\$14,000
2014	\$7,470	\$10,200
2015	\$11,344	\$15,914
2016	\$9,825	\$16,500
2017	\$12,245	\$17,000

Mr. Goodwin explained that he and Mr. Louw came up with three options for the Council to consider: (1) fund the Bookmobile at some level of their choosing; (2) do not fund the Bookmobile but instead increase library reimbursement funds; (3) do nothing.

C. Andersen asked if the 141 cardholders were specifically residents of Cedar Hills, and Mr. Goodwin said yes.

C. Geddes said had he never personally checked anything out from the Bookmobile and asked where it normally stopped. C. Rees noted that it parked behind Walmart every other Monday from 1:00 to 3:00 pm.

Mr. Goodwin said he had a different opinion on this than the County. He explained that one issue he had with the Bookmobile was that it seemed to skip the Cedar Hills stop frequently due to being broken down. According to the County, the Bookmobile was broken down on average one time per city. C. Rees said she had gone through their Facebook posts and noted the times it had been broken down, and mentioned she had sent that information to Mr. Goodwin. Mr. Goodwin said the Bookmobile was broken down closer to 4-5 times per year.

In response to a question from C. Bailey regarding library reimbursements, Mr. Goodwin said the City reimbursed citizens \$40.00 per year for library fees paid in other jurisdictions. C. Bailey expressed that he supported encouraging education and literacy in Cedar Hills.

C. Rees explained that the Bookmobile was free to residents. She said she frequented Pleasant Grove's library where the fee for non-residents was \$90. Since Cedar Hills only reimbursed \$40.00, she was out \$50.00 per year in library fees. She mentioned that the fee at Highland City's library was \$40 but their library was a lot smaller. C. Rees stated that if Cedar Hills discontinued the Bookmobile, residents could continue to use their cards at the Bookmobile stops in other cities.

Mayor Gygi mentioned that the Cedar Ridge Elementary library was open year-round to the public. He said he lived near the roundabout where the Bookmobile stops and he rarely noticed anyone over there. He said that if they discontinued the Bookmobile they could still encourage residents to go to other libraries in the area.

C. Bailey, C. Geddes, C. Andersen and C. Rees all agreed. C. Rees mentioned that she posed this question to residents via Facebook, and very few people were even aware that the City reimbursed library fees. Overall, they were more favorable towards library reimbursement funds from the City rather than utilizing the Bookmobile.

Mr. Goodwin asked the Council if they wanted to increase library reimbursements. Mayor Gygi said there had been years when they hadn't even come close to using the entire existing budget for library reimbursement purposes. C. Bailey suggested that if and when they reach a point where they run out of library reimbursement funds, the Council could entertain a budget amendment so that no resident would be turned away on this service.

10. Discussion on City Park Reservation Policies

Mr. Goodwin explained that C. Rees requested a discussion on City Park Reservation Policies, specifically to provide a \$500 deposit for any event involving large tents, vehicles, bounce houses, etc. The policy was put in place to collect for any damages that should occur as a result of the event. To date, staff was unaware of any instance where the deposit had been forfeited as a result of damage. He reviewed how other cities addressed the issue and asked Council how they would like staff to proceed.

Mayor Gygi asked what the rationale was for the \$500 deposit amount. Mr. Goodwin said it was arbitrary and he did not know for sure. He explained that \$500 did cover a lot of costs, such as sprinkler head damage. Mayor Gygi said they should make things as easy as possible for residents and asked if there was a way to make this a soft deposit, so that money wouldn't actually come out of someone's account unless damage was done. Mr. Goodwin said they tried this already, but a lot of times parks were reserved months in advance and the City couldn't hold onto to checks for three months or longer.

C. Geddes asked C. Rees what precipitated this request. C. Rees explained that her ward was planning a youth activity and ran into issues in obtaining a \$500 check from her church. As a

result, at the last minute they had to cancel and go elsewhere where a deposit wasn't needed. C. Rees liked the idea of allowing a credit card number instead of a check to hold a soft deposit. Alternatively, they could require a check from a non-resident, but charge for damages in residents' utility bills and not require any type of deposit upfront.

C. Andersen explained that including charges for damages on utility bills would be problematic for landlords who pay utility companies directly on behalf of their tenants. Mr. Goodwin said he was also not in favor of charging damages to utility bills.

After subsequent discussion, the Council decided to require a credit card number to be included with the reservation for a soft deposit and to lower the deposit amount to \$200.

ADJOURNMENT

12. Adjourn

This meeting was adjourned at 8:09 p.m. on a motion by C. Geddes, seconded by C. Rees, and unanimously approved.

Approved by Council:
September 19, 2017

/s/ Colleen A. Mulvey, MMC
City Recorder